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**From:** Fallon, Gail [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8418005DA3B142458F09C9A5BFF17773-FALLON, GAIL]  
**Sent:** 10/25/2018 4:59:21 PM  
**To:** Morales, Monica [Morales.Monica@epa.gov]  
**Subject:** FW: Coyote Creek Common Control briefing

Let's talk about this tomorrow, Friday. We need to call ND to, 1) request more time for our response on their request for a common control determination, and;

**Ex. 5 Deliberative Process (DP)**

## Ex. 5 Deliberative Process (DP)

**From:** Wauters, Patrick  
**Sent:** Friday, October 19, 2018 6:18 PM  
**To:** Fallon, Gail <fallon.gail@epa.gov>  
**Cc:** Law, Donald <Law.Donald@epa.gov>  
**Subject:** RE: Coyote Creek Common Control briefing

## Ex. 5 Deliberative Process (DP)

**From:** Fallon, Gail  
**Sent:** Friday, October 19, 2018 4:54 PM  
**To:** Wauters, Patrick <wauters.patrick@epa.gov>  
**Cc:** Law, Donald <Law.Donald@epa.gov>  
**Subject:** RE: Coyote Creek Common Control briefing

Patrick – Thanks for putting this together. In light of the email from Matt Spangler later in the day yesterday, I'd like to discuss this a bit more with you and DJ before I recommend we/Monica set up a call with ND. While it seems like there's some clearer direction from David Harlow, I assume we still need more time from ND to get the letter finalized but just want to confirm that with you.

Gail

**From:** Wauters, Patrick  
**Sent:** Thursday, October 18, 2018 12:08 PM  
**To:** Fallon, Gail <fallon.gail@epa.gov>  
**Cc:** Law, Donald <Law.Donald@epa.gov>  
**Subject:** Coyote Creek Common Control briefing

Hi Gail, I've attached the options paper that Matt Spangler circulated before our meeting today, with a few edits I made to clarify. It provides a good summary of the issue.

In terms of talking with ND, here is summary:

- 1) We will need more time to respond to ND's request for us to weigh in on the "common control" question at Coyote Creek
- 2) Previous responses to similar requests have taken at minimum two months, we are currently one month from the Nov 17<sup>th</sup> deadline of our 45 day review period with coincides with the date ND requested our response to this issue

We could leave it at that, but if ND wants more information and we are willing to share we could add:

## **Ex. 5 Deliberative Process (DP)**

Let me know if you want clarification on the options paper or talking point, and I'd like to be included on any call to ND if that is possible. Thanks,

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